

REMARKS

This is intended as a full and complete response to the Office Action dated November 18, 2004, having a shortened statutory period for response set to expire on February 18, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-39 are pending in the application. Claims 1-39 remain pending following entry of this response. Claims 1-3, 5, 14-24, 29 and 34 have been amended. Applicants submit that the amendments do not introduce new matter.

Drawing and Specification Rejections

The Examiner objects to the inconsistency between a reference number 404 in drawings and a reference number 1040 in the specification. Applicants have corrected the defect by amending the specification. Withdrawal of the rejection is respectfully requested.

Claim Rejections

Claim 14 is objected to as being redundant with respect to claim 1. Applicants have made an appropriate correction. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 29, 34 and 37 stand rejected under 35 U.S.C. § 102() as being anticipated by *Kubica et al.* [US 20020035432] (hereinafter *Kubica*). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, ... *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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In this case, *Kubica* does not disclose "each and every element as set forth in the claim". Specifically, *Kubica* does not disclose that at least one network address returned in response to a query (where the query provided spatial information regarding a user's present position) is a publicly accessible website address belonging to a third-party place of business and at which hypertext content accessible via the hypertext transfer protocol is located, the content being related to the place of business. A table illustrating the results returned to a user of *Kubica* is shown at page 9, para. 0109. As shown, the results do not include website addresses to publicly accessible websites belonging to a third-party place of business and at which hypertext content is located. Accordingly, the claims are believed to be allowable and allowance of the same is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-6, 10-12, 14-18, 22-28, 31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Marmor et al.* [US 20020062310; hereinafter *Marmor*] in view of *Kubica*. Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criterion.

First, neither reference teaches that at least one network address returned in response to a query (where the query provided spatial information regarding a user's present position) is a publicly accessible website address belonging to a third-party place of business and at which hypertext content accessible via the hypertext transfer protocol is located, the content being related to the place of business. Therefore, on this basis alone, Applicants submit a *prima facie* case of obviousness has not been made and the claims are therefore believed to be allowable.

Second, Applicants respectfully point out that the Examiner mischaracterizes the cited portion of *Marmor*. Specifically, the Examiner argues that *Marmor*, at pgs. 2-3, paragraphs 0028-0033 and Table 1, teaches receiving a query for a network address associated with a geographic region, wherein the query contains geographic location information indicating a current position of a requesting device. Examiner's Action, page 5, paragraph 8a. In fact, the cited portion of *Marmor* makes no reference to a query containing geographic location information indicating a current position of a requesting device. Accordingly, the rejection is believed to be defective and, therefore, Applicants respectfully request that the rejection be withdrawn.

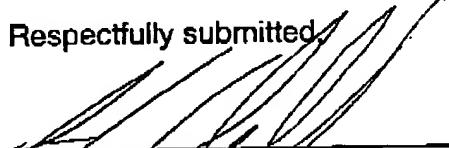
Therefore, Applicants submit that claims 1-6, 10-12, 14-18, 22-28, 31 and 35 are patentable over *Marmor* in view of *Kubica*. Accordingly, Applicants respectfully request that the rejection be withdrawn and that the claims be allowed.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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